

Permanent 713-23-006  
Parcel #: 713-24-001

Type Instrument: Limited Warranty Ex Date: 12/6/2012 2:54:00 PM  
Tax District #: 3190 Tax List Year: 2012  
Grantee: BOARD OF PARK COMMISSIO Land Use Code: 4630  
Balance Assumed: \$ 0.00 Land Value: 1,976,000  
Total Consideration: \$ 0.00 Building Value: 2,356,000  
Conv. Fee Paid: \$ 0.00 Total Value: 4,334,000  
Transfer Fee Paid: \$ 1.00 Rcpt: F-12062012-22  
Fee Paid by: Guardian Title Inst #: 571099  
Exempt Code: A Check #.

CUYAHOGA COUNTY  
OFFICE OF FISCAL OFFICER - 9  
DEED 12/6/2012 3:02:38 PM  
**201212060484**

  
Cuyahoga County Fiscal Officer

## Limited Warranty Deed

104  
**KNOW ALL MEN BY THESE PRESENTS**, That, THE CONSERVATION FUND, a Maryland non-profit corporation, the Grantor, for valuable consideration paid, and for the sum of Ten Dollars (\$10.00), **GIVES, GRANTS, BARGAINS, REMISES, RELEASES WITH LIMITED WARRANTY COVENANTS** to the BOARD OF PARK COMMISSIONERS OF THE CLEVELAND METROPOLITAN PARK DISTRICT, the Grantee, whose tax mailing address will be 4101 Fulton Parkway, Cleveland, Ohio 44144, all rights, title and interest as said in and to the following described Property situated in the City of Lyndhurst, County of Cuyahoga and State of Ohio and also known as Parcels 1 and 3:

See Legal Description attached hereto and incorporated herein as Exhibit "A".

Permanent Parcel Nos.: 713-23-006; 714-21-001 through 009 and 011;  
and 713-24-001

Property Address: 26899 Cedar Road, Lyndhurst, Ohio 44124  
Prior Instrument Reference: AFN# 201212060482 of Cuyahoga County  
Records

**SUBJECT, HOWEVER**, to certain restrictions and solely for the purposes set forth herein, (the "Deed Restrictions"); and further, that in the event the Grantee fails to comply with the Deed Restrictions including the purposes set forth herein, then in that event the Property shall automatically revert to the Grantor, THE CONSERVATION FUND, or its successors or assigns free and clear of any claims of the Grantee.

1223565A  
GUARDIAN TITLE  
ORDER NO.

**FURTHERMORE**, for and in consideration of the facts recited above, the following Deed Restrictions shall be placed on the Property on behalf of itself, its successors and assigns for the overall purpose of restoring the Property to a predominantly natural and native state; creating a public park consistent with the restoration of the Property and similar in character to the Euclid Creek and Chagrin Reservations at the time of this conveyance; to protect the Euclid Creek watershed; to encourage the public's use of the Property in its natural/native state; and to encourage the planting and maintaining of native trees, bushes, and grasses to protect, preserve, and to enhance the restoration of the Property.

1. **Building Envelopes.** The building envelopes of the improvements located on the Property, as depicted by U.S. Surveyor survey dated October 23, 2008, prepared for Acacia Country Club Company, shall not be expanded for any reason. This restriction shall not limit the right to maintain and replace the existing improvements based on the current building envelopes and existing height limitations.
2. **Improvements.** Improvements presently located on the Property shall be used for public purposes, including but not limited to weddings, meetings, conferences, educational programs and exhibits, nature center, welcome center, and park operations and management. Any residential, commercial, or industrial use of, or activities on, the Property are prohibited, provided however that food service pertaining to the aforementioned permitted uses may be operated in the existing clubhouse facility. In addition, a retail type shop consistent with other facilities operated by the Grantee at the time of this conveyance may be operated in the existing clubhouse. The placement, construction, or maintenance of any building, structure, or improvement of any kind, not already depicted on the Survey, is prohibited except for reasonable picnic areas, shelters, barbecue pits and restrooms similar in type and extent to those in existence at the Chagrin and Euclid Creek Reservations at the time of this conveyance.
3. **Subdivision.** The legal or de facto division, subdivision, or partitioning of the Property is prohibited.
4. **Drilling.** The exploration and drilling for, and extraction of oil and gas from any site on the Property are prohibited, but for five gas wells presently existing on the date hereof. Any current gas well leases shall not be renewed and all equipment related to their operation shall be removed at the end of the lease terms. At such time the gas wells are no longer operational, the Grantee shall seal all wells and prevent any future drilling.
5. **Trash.** The dumping, burying, or storing of ashes, trash, garbage, or junk on the Property is prohibited. Trash management activities consistent with the use of the Property as a park such as the placement of trash cans and recycling bins for park users and the collection of trash and recycling from these bins are permitted.

6. Mining, Excavation. All quarrying, mining, excavation, depositing, or extracting of soil, sand, gravel, rock or other minerals is prohibited, except as needed to restore/enhance the Property and said material must be used on the Property.
7. Hazardous Substances. Dumping, depositing, discharging, releasing, or abandoning any solid or hazardous waste, hazardous substances or material, pollutant, or environmentally harmful debris on or under the Property, or into the surface or ground water on or under the land is prohibited; except such prohibition shall not apply to fertilizers, pesticides, herbicides, and other similar products not prohibited by governmental agencies. Any chemicals shall be used in accordance with manufacturer's specifications; in compliance with all applicable laws and regulations; and, in conformance with the intent of this conveyance for the restoration of the Property and the management of it as a natural area and park. Grantee acknowledges that the subject Property is a sensitive part of the Euclid Creek watershed and best efforts shall be used to minimize the use of fertilizers, pesticides, herbicides and other similar products not prohibited by governmental agencies.
8. Signs. The placement or maintenance of signs, billboards, or any other outdoor advertising of any kind or nature on the Property is prohibited; except for (1) signs relating to the use or limitations on use applicable to the Property (e.g. "No Hunting"); (2) directional and regulatory signs relating to the Property; (3) signs of an informational or educational nature relating to the Property; and (4) signs acknowledging donors and members of Acacia Country Club, who assisted with the acquisition of the Property.
9. Golf Course. Use of the Property as a golf course is prohibited.
10. Recreation Facilities. Ball fields and related structures are prohibited. Hunting is prohibited on the Property; provided, however, culling consistent with applicable law and best practices shall be permitted to reasonably manage wildlife populations.
11. Timber Removal. Commercial harvesting of timber is prohibited, however limited harvesting of timber and removal of diseased trees or deadwood is allowed so long as it is consistent with the purpose of restoring the Property and maintaining it as a natural park.
12. Power Lines; Communications Towers. The placement, erection, or construction of above-ground power lines on the Property is prohibited except power lines of any kind may be placed, erected, or constructed above or below the ground for serving the current improvements. The construction of communications and/or broadcast towers or structures of any type is prohibited anywhere on the Property.
13. Roadways. The Grantee shall use reasonable efforts to minimize the use of impermeable surfaces for roadways on the Property after the recording of these Deed Restrictions. Permeable materials, including permeable asphalt, stone or gravel, is preferred for locating, relocating, maintaining, repairing, constructing, and reconstructing such

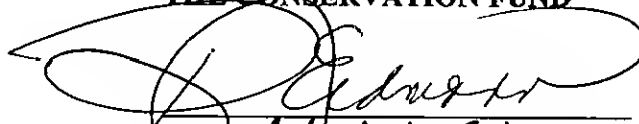
roadways and parking areas as may be reasonable for the purposes of creating a public park, including without limitation, (a) establishing, constructing, installing, maintaining, and repairing roads reasonably necessary to access and operate the Property as a public park; and (b) the excavation, extraction, and depositing of soil, gravel, rock, and sand necessary and incidental to locate, relocate, maintain, repair, construct, and reconstruct such roadways and parking areas. The total amount of new parking areas on the property shall not exceed two (2) acres and any new parking or new roadways shall be designed and constructed in a way to minimize the removal of existing trees, other existing native vegetation and riparian areas. The foregoing shall not prohibit construction of paved multi-purpose trails not exceeding ten (10) feet in width to provide suitable access for handicapped persons, but use thereof shall not be exclusively limited to handicap use.

14. Non-Smoking. To the greatest extent allowed by law, smoking shall not be permitted on the Property.

The above Deed Restrictions shall not limit Grantee's right to place, construct, maintain, repair, or restore flood, erosion, and drainage management structures and improvements. Nor shall the restrictions limit Grantee's right to restore damage to the Property, including without limitation, damage to buildings, structures, and vegetation caused by fire, flood, storm, earth movement, or acts beyond the control the Grantee.

IN WITNESS WHEREOF, THE CONSERVATION FUND, the Grantor, has caused its corporate name to be subscribed hereto by Richard L. Erdmann its authorized representative and agent, who is duly authorized by its Board of Trustees this 5<sup>th</sup> day of December, 2012.

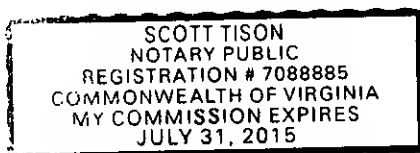
THE CONSERVATION FUND

  
By: Richard L. Erdmann  
Its: Exec. V.P.

STATE OF Virginia )  
COUNTY OF Arlington ) ss.

Before me, a Notary Public in and for the State of Virginia personally appeared The Conservation Fund, the Grantor, by and through its authorized representative and agent, Richard L. Erdmann, its Exec. V.P., who acknowledged that he did sign the foregoing instrument and that the same is his voluntary free act and deed.

In Testimony Whereof, I have hereunto subscribed my name and official seal, at Arlington, VA, this 5<sup>th</sup> day of December, 2012.



SMT  
NOTARY PUBLIC

This Instrument Prepared By:  
Diane A. Calta  
Joseph W. Diemert, Jr.  
& Associates Co., L.P.A.  
1360 S.O.M. Center Road  
Cleveland, OH 44124  
(440) 442-6800

**EXHIBIT A**

**PARCEL 1:**

SITUATED IN THE CITY OF LYNDHURST, COUNTY OF CUYAHOGA AND STATE OF OHIO, ORIGINALLY DESCRIBED AS AND KNOWN AS BEING ALL OF SUBLOT NUMBERS 300 THRU 308, INCLUSIVE AND PART OF SUBLOT NUMBERS 309 AND 310 IN L.H. HEISTER JR. INC.'S CEDAR-GOLF SUBDIVISION OF PART OF ORIGINAL MAYFIELD TOWNSHIP LOT NO. 30, TRACT 3, AS SHOWN BY THE RECORDED PLAT IN VOLUME 107 OF MAPS, PAGE 18 OF CUYAHOGA COUNTY RECORDS, ALL OF SUBLOT NOS. 225 AND 226 IN CORNWELL LAND INC., BERKSLEY PLAZA ESTATES SUBDIVISION NO. 2 OF PART OF ORIGINAL MAYFIELD TOWNSHIP LOT NUMBERS 28 AND 29, TRACT 3, AS SHOWN BY THE RECORDED PLAT IN VOLUME 179 OF MAPS, PAGE 48 OF CUYAHOGA COUNTY RECORDS, PART OF ORIGINAL EUCLID TOWNSHIP LOT NOS. 40, 80 AND 81, TRACT 4, AND PART OF VACATED WINCHESTER ROAD, AS SHOWN BY THE RECORDED PLAT IN VOLUME 203 OF MAPS, PAGE 66 OF CUYAHOGA COUNTY RECORDS, AND FURTHER BOUNDED AND DESCRIBED AS FOLLOWS:

COMMENCING AT THE INTERSECTION OF THE CENTERLINE OF CEDAR ROAD AND THE CENTERLINE OF RICHMOND ROAD; THENCE NORTH 00 DEGREES 18 MINUTES 45 SECONDS EAST 779.32 FEET TO A MONUMENT BOX IN THE CENTERLINE OF RICHMOND ROAD, BEING SOUTH 00 DEGREES 18 MINUTES 04 SECONDS WEST 388.99 FEET FROM A MONUMENT BOX IN THE CENTERLINE OF RICHMOND ROAD; THENCE SOUTH 89 DEGREES 27 MINUTES 11 SECONDS EAST 85.93 FEET TO A SET MONUMENT DESCRIBED AS A 5/8" REBAR WITH A PLASTIC CAP INSCRIBED "FELDBUSCH RLS 7761", HEREIN AFTER DESCRIBED AS "SET MONUMENT" TO THE POINT OF BEGINNING;

THENCE ALONG THE SOUTH LINE OF THREE VILLAGE CONDOMINIUMS, AS RECORDED IN VOLUME 46 PAGE 65-79 AND VOLUME 98 PAGE 57, SOUTH 89 DEGREES 49 MINUTES 51 SECONDS EAST 1601.32 FEET TO A FOUND 5/8" REBAR FLUSH; THENCE ALONG THE FOLLOWING FIVE CALLS OF THE EAST LINE OF THREE VILLAGE CONDOMINIUMS, NORTH 00 DEGREES 00 MINUTES 04 SECONDS WEST 110.64 FEET TO A FOUND 5/8" REBAR FLUSH; THENCE NORTH 10 DEGREES 42 MINUTES 41 SECONDS WEST 272.68 FEET TO A FOUND 5/8" REBAR FLUSH; THENCE NORTH 89 DEGREES 33 MINUTES 04 SECONDS WEST 485.17 FEET TO A FOUND 5/8"

REBAR FLUSH; THENCE NORTH 39 DEGREES 47 MINUTES 14 SECONDS WEST 232.27 FEET TO A FOUND 5/8" REBAR 2" TALL; THENCE NORTH 00 DEGREES 14 MINUTES 02 SECONDS EAST 126.34 FEET TO THE CENTERLINE OF EUCLID CREEK; THENCE ALONG THE EAST LINE OF RIVER CREEK SUBDIVISION AS RECORDED IN VOLUME 345 PAGES 58-60, NORTH 00 DEGREES 36 MINUTES 36 SECONDS EAST 324.31 FEET TO A FOUND 5/8" REBAR WITH A PLASTIC CAP INSCRIBED 6752; THENCE ALONG THE NORTH LINE OF SAID RIVER CREEK SUBDIVISION, NORTH 89 DEGREES 35 MINUTES 10 SECONDS WEST 904.60 FEET TO A SCRIBED X SET IN CONCRETE; THENCE ALONG THE EAST RIGHT-OF-WAY OF RICHMOND ROAD, NORTH 00 DEGREES 28 MINUTES 18 SECONDS WEST 439.61 FEET TO A SET MONUMENT; THENCE NORTH 00 DEGREES 29 MINUTES 18 SECONDS WEST 300.04 FEET TO A SET MONUMENT; THENCE NORTH 00 DEGREES 28 MINUTES 00 SECONDS EAST 25.00 FEET TO A SET MONUMENT; THENCE NORTH 89 DEGREES 32 MINUTES 00 SECONDS EAST 19.00 FEET TO A SET MONUMENT; THENCE NORTH 00 FEET 28 MINUTES 00 SECONDS WEST 653.72 FEET TO A SET MONUMENT BEING THE NORTHWEST CORNER OF THE SUBJECT PROPERTY; THENCE ALONG THE SOUTH LINES OF MEADOW WOOD REC. CLUB INC. AS RECORDED IN BOOK 12546 PAGE 85, MEADOW WOOD COMM. ASSN. INC. AS RECORDED IN BOOK 12197 PAGE 745 AND MEADOW WOOD SUBDIVISION No. 3E AS RECORDED IN VOLUME 193 MAPS PAGE 67, SOUTH 89 DEGREES 55 MINUTES 56 SECONDS EAST 2121.65 FEET TO A 5/8" REBAR WITH A PLASTIC CAP INSCRIBED COURTNEY 5609 AND ALSO BEING THE NORTHEAST CORNER OF THE SUBJECT PROPERTY; THENCE ALONG THE WEST LINE OF ACACIA COUNTRY CLUB ESTATES AS RECORDED IN PLAT VOLUME 341 PAGE 03 AND ALONG THE FOLLOWING 14 CALLS, SOUTH 00 DEGREES 35 MINUTES 52 SECONDS EAST 187.89 FEET TO A FOUND 5/8" REBAR WITH A PLASTIC CAP INSCRIBED COURTNEY 5609; THENCE SOUTH 17 DEGREES 25 MINUTES 58 SECONDS EAST 101.83 FEET TO A 5/8" REBAR WITH A PLASTIC CAP INSCRIBED COURTNEY 5609; THENCE SOUTH 59 DEGREES 37 MINUTES 22 SECONDS WEST 247.06 FEET THROUGH A FOUND 5/8" REBAR WITH A PLASTIC CAP INSCRIBED FELDBUSCH 7761 AND CONTINUING TO A POINT IN THE MIDDLE OF A POND; THENCE SOUTH 00 DEGREES 14 MINUTES 15 SECONDS EAST 134.22 FEET TO A POINT IN SAID POND; THENCE SOUTH 27 DEGREES 56 MINUTES 19 SECONDS EAST 262.36 FEET TO A POINT IN SAID POND; THENCE SOUTH 27 DEGREES 13 MINUTES 51 SECONDS EAST 285.87 FEET PASSING THROUGH A FOUND 5/8" REBAR FLUSH NEAR THE WATERLINE OF SAID POND AND CONTINUING TO ANOTHER FOUND 5/8" REBAR LEANING; THENCE SOUTH 31 DEGREES 58 MINUTES 32 SECONDS EAST 225.67 FEET TO A FOUND 5/8" REBAR WITH A PLASTIC CAP INSCRIBED FELDBUSCH 7761; THENCE SOUTH 37 DEGREES 31 MINUTES 15 SECONDS EAST 331.55 FEET TO A FOUND 5/8" REBAR WITH A PLASTIC CAP INSCRIBED FELDBUSCH 7761; THENCE SOUTH 05 DEGREES 31 MINUTES 31 SECONDS WEST 100.50 FEET TO A FOUND 5/8" REBAR WITH A PLASTIC CAP INSCRIBED FELDBUSCH 7761; THENCE SOUTH 37 DEGREES 44 MINUTES 54 SECONDS WEST 43.29 FEET TO A FOUND 5/8" REBAR WITH A PLASTIC CAP INSCRIBED FELDBUSCH 7761; THENCE SOUTH 00 DEGREES 02 MINUTES 36

SECONDS EAST 271.43 FEET TO A FOUND 5/8" REBAR WITH A PLASTIC CAP INSCRIBED FELDBUSCH 7761; SOUTH 46 DEGREES 34 MINUTES 42 SECONDS EAST 58.47 FEET TO A FOUND 5/8" REBAR WITH A PLASTIC CAP INSCRIBED FELDBUSCH 7761; SOUTH 16 DEGREES 00 MINUTES 45 SECONDS EAST 90.62 FEET TO A FOUND 5/8" REBAR WITH A PLASTIC CAP INSCRIBED FELDBUSCH 7761; THENCE SOUTH 00 DEGREES 24 MINUTES 50 SECONDS EAST 59.20 FEET TO A FOUND 5/8" REBAR WITH A PLASTIC CAP INSCRIBED FELDBUSCH 7761; THENCE ALONG THE SOUTH LINE OF LOT SPLIT AND CON'S ACACIA AS RECORDED IN VOLUME 356 PAGE 4, SOUTH 79 DEGREES 49 MINUTES 17 SECONDS EAST 315.58 FEET TO A FOUND PK NAIL IN AN ASPHALT DRIVE; THENCE SOUTH 06 DEGREES 09 MINUTES 02 SECONDS EAST 0.50 FEET TO A FOUND PK NAIL IN SAID ASPHALT DRIVE; THENCE ALONG A CURVE TO THE LEFT WITH A RADIUS OF 90.00 FEET, AN ARC LENGTH OF 75.70 FEET, A CENTRAL ANGLE OF 48 DEGREES 11 MINUTES 09 SECONDS AND A CHORD BEARING OF SOUTH 23 DEGREES 23 MINUTES 45 SECONDS EAST 73.48 FEET TO A SET MONUMENT; THENCE ALONG THE WEST LINE OF LOT 61 OF KILBOURNE RE-SUBDIVISION AS RECORDED IN VOLUME 205 PAGES 45-46, SOUTH 00 DEGREES 41 MINUTES 16 SECONDS WEST 158.45 FEET TO A FOUND 5/8" REBAR WITH A PLASTIC CAP INSCRIBED FELDBUSCH 7761; THENCE ALONG THE WEST LINE ACACIA ON THE GREEN, SOUTH 00 DEGREES 41 MINUTES 13 SECONDS WEST 570.01 FEET TO A FOUND 5/8" REBAR WITH A PLASTIC CAP INSCRIBED FELDBUSCH 7761; THENCE NORTH 89 DEGREES 56 MINUTES 49 SECONDS WEST 180.09 FEET TO A FOUND 5/8" REBAR 5" DEEP; THENCE SOUTH 00 DEGREES 42 MINUTES 19 SECONDS WEST 254.08 FEET TO A FOUND 5/8" REBAR WITH ILLEGIBLE CAP; THENCE ALONG THE NORTH RIGHT-OF-WAY LINE OF CEDAR ROAD SOUTH 89 DEGREES 58 MINUTES 43 SECONDS WEST 100.00 FEET TO A SET MAG NAIL IN AN ASPHALT DRIVE; THENCE AROUND THE PERIMETER OF THE LOT SPLIT OF ACACIA COUNTRY CLUB AS RECORDED IN PLAT VOLUME 337 PAGE 74 AND ALONG THE FOLLOWING 6 CALLS, NORTH 00 DEGREES 39 MINUTES 05 SECONDS EAST 556.31 FEET TO A SET MONUMENT; THENCE SOUTH 38 DEGREES 17 MINUTES 50 SECONDS WEST 310.52 FEET TO A SET MONUMENT; THENCE NORTH 89 DEGREES 36 MINUTES 45 SECONDS WEST 600.00 FEET TO A SET MAG NAIL IN AN ASPHALT PATH; THENCE SOUTH 00 DEGREES 23 MINUTES 15 SECONDS WEST 132.00 FEET TO A SET MONUMENT; THENCE NORTH 89 DEGREES 36 MINUTES 45 SECONDS WEST 357.00 FEET TO A SET MONUMENT; THENCE SOUTH 00 DEGREES 23 MINUTES 15 SECONDS WEST 181.96 FEET TO A SET MONUMENT ON THE NORTH RIGHT-OF-WAY LINE OF CEDAR ROAD; THENCE CONTINUING ALONG THE NORTH RIGHT-OF-WAY OF CEDAR ROAD, NORTH 89 DEGREES 35 MINUTES 41 SECONDS WEST 888.85 FEET TO A SET MONUMENT; THENCE NORTH 76 DEGREES 50 MINUTES 49 SECONDS WEST 35.90 TO A SET MONUMENT; THENCE NORTH 89 DEGREES 43 MINUTES 19 SECONDS WEST 470.15 FEET TO A SET MONUMENT; THENCE NORTH 85 DEGREES 05 MINUTES 24 SECONDS WEST 102.51 FEET TO A SET MONUMENT; THENCE ALONG A CURVE TO THE RIGHT WITH A RADIUS OF 20.00 FEET, AN ARC LENGTH OF 27.29 FEET, A CENTRAL ANGLE OF 78 DEGREES 10 MINUTES 27 SECONDS AND A CHORD BEARING OF NORTH 46 DEGREES 00



MINUTES 14 SECONDS WEST 25.22 FEET TO A SET MONUMENT; THENCE ALONG THE EAST LINE OF RICHMOND ROAD, NORTH 06 DEGREES 55 MINUTES 05 SECONDS WEST 157.59 FEET TO A SET MONUMENT; THENCE NORTH 00 DEGREES 18 MINUTES 47 SECONDS EAST 273.24 FEET TO A SET MONUMENT; THENCE SOUTH 89 DEGREES 41 MINUTES 15 SECONDS EAST 10.00 FEET TO A SET MONUMENT; THENCE NORTH 14 DEGREES 44 MINUTES 00 SECONDS EAST 72.28 FEET TO A SET MONUMENT; THENCE NORTH 03 DEGREES 55 MINUTES 14 SECONDS EAST 206.58 FEET TO THE POINT OF BEGINNING.  
CONTAINING 146.077 ACRES, MORE OR LESS

TM NUMBER 12-041-S-001

**PARCEL 3:**

SITUATED IN THE CITY OF LYNDBURST, COUNTY OF CUYAHOGA AND STATE OF OHIO AND KNOWN AS BEING PARCEL A IN THE PLAT OF SURVEY AND LOT SPLIT FOR ACACIA COUNTY CLUB AS SHOWN BY THE RECORDED PLAT IN VOLUME 337 OF MAPS, PAGE 74 OF CUYAHOGA COUNTY RECORDS, BE THE SAME MORE OR LESS, BUT SUBJECT TO ALL LEGAL HIGHWAYS.